



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: NECESSARY SUPPLEMENTAL ACCOMMODATION POLICY 5.02

Authority: Section 504 of the Rehabilitation Act of 1973
 Title II, Americans with Disabilities Act
 RCW 71A.10.060(1), (2)
 WAC 388-472-0010; 0020(1); 0040

PURPOSE

This policy establishes procedures for promoting equal access to services from the Division of Developmental Disabilities (DDD).

SCOPE

This policy applies to DDD employees who provide programs and services to adult applicants or eligible persons with developmental disabilities. This policy does not apply to children because a parent or legal representative always represents them.

POLICY

Under DSHS rules, persons with developmental disabilities are eligible for “Necessary Supplemental Accommodation” (NSA) services, designed to afford them equal access to departmental services. DDD will promote policies, procedures, and practices that foster equal access to persons with disabilities.

PROCEDURES

A. Persons Who Are **Not** Class Members in the *Allen And Marr* Cases

1. Ask the applicant or client to identify significant others he/she would like included in written notifications. For DDD eligible persons, include these people as “significant others” in the Common Client Database (CCDB) with contact information (i.e., mailing address, legal relationship, and phone number).

2. For DDD eligible adults, write an accommodation plan in the person's Plan of Care (POC) or Individual Service Plan (ISP):
 - a. When the person has a representative (i.e., legal guardian, parent, or provider) available to assist with accessing services that will serve as the accommodation plan, enter the representative's name and contact information in the POC/ISP.
 - b. When the person has no representative or chooses to represent him/herself, then NSA accommodations must be evaluated and addressed in the POC/ISP. Examples of accommodations include needing:
 - i. Someone to read and/or explain information;
 - ii. Written material in large print or another language; and
 - iii. Help understanding information and accessing services.
3. Provide help with completing forms and explain the forms and processes.
4. Provide written information and notification to the eligible person and at least one other person in the person's primary language and in a manner that can be understood by the person.
5. Explain appeal rights and how to file an appeal, if requested to do so.
6. Call or meet with the person prior to the mailing of any notice of denial, reduction, or termination of eligibility or services, explaining the reason and the person's right to appeal.
7. When other department services are needed, refer the person to another advocate or agency for help with accessing and advocating for all needed services.

B. Persons Who Are Class Members in the *Allen* and *Marr* Cases

Prior to sending any Allen or Marr class member any official notification regarding the review, termination or denial of DDD eligibility, Home and Community Based Services (HCBS) waiver status, or the termination of DDD services:

1. DDD will contact the Washington Protection Advocacy Service (WPAS) Director of Legal Advocacy or his/her designee by telephone or email to inform him/her of the official department communication being sent to the class member.

2. When DDD sends official notification to any Allen or Marr class member residing in the state hospital, the Case Resource Manager (CRM) will notify the DDD Mental Health CRM. The DDD Mental Health CRM will do all of the following:
 - a. Notify Eastern State Hospital/Western State Hospital staff in person or by telephone of the official notification being sent.
 - b. Coordinate with the Western State Hospital or Eastern State Hospital Habilitative Mental Health Program Manager to ensure that the class member's hospital treatment team is aware that the notification being sent to the class member. Also identify the hospital staff who will receive the notice on behalf of the class member.
 - c. Be available as necessary to assist in the support of the class member receiving this important information.
 - d. Work closely with the class member, his/her legal representative, WPAS, and other appropriate department staff providing services to the class member.

GOVERNING DSHS RULES AND DEFINITIONS

WAC 388-472-0010: *What are necessary supplemental accommodation services (NSA)?*

“Necessary supplemental accommodation (NSA) services are services provided to you if you have a mental, neurological, physical or sensory impairment or other problems that prevent you from getting program benefits in the same way that an unimpaired person would get them.

NSA services include, but are not limited to:

- (1) Arranging for or providing help to complete and submit forms to us;
- (2) Helping you give or get the information we need to decide or continue eligibility;
- (3) Helping you request continuing benefits;
- (4) If you miss an appointment or deadline, contacting you about the reason before we reduce or end your benefits;
- (5) Explaining to you the reduction in or ending of your benefits;
- (6) If we know you have a person who helps you with your applications, notifying them when we need information or when we are about to reduce or end your benefits;
- (7) Assisting you with requests for fair hearings;
- (8) Providing protective payments if needed; and
- (9) On request, reviewing our decision to terminate, suspend or reduce your benefits.”

WAC 388-472-0020(1) *We identify you as “NSA” if you: (c) Have a developmental disability.*

WAC 388-472-0040: *What are the department's responsibilities in giving NSA services to me?* "All of our staff are continually responsible to identify you as possible NSA eligible and assist you with NSA services."

RCW 71A.10.060 (1) and **WAC 388-825-100** require that when DDD gives notice to the person with a developmental disability that the notice also is given to at least one other person. The order of these persons by priority is listed in this RCW.

RCW 71A.10.060 (2) requires that notice to a person with a developmental disability be "given in a way that the person is best able to understand. This can include reading or explaining the materials to the person."

EXCEPTIONS

Any exceptions to this policy must have the prior written approval of the Division Director.

SUPERSESSION

DDD Policy 5.02
Issued November 30, 2004

DDD Policy 5.02
Issued June 25, 2004

DDD Policy 5.02
Issued August 11, 2003

Approved: /s/ Linda Rolfe
 Director, Division of Developmental Disabilities

Date: April 5, 2005